

### REMARKS

1. The Applicants gratefully acknowledge the allowability of Claims 1-7, 10-15, 32 and 35, as well as the indication that one of dependent claims 8 and 9 was objected to for depending upon a rejected base claim but would be allowable if written in dependent form. The Office Action inadvertently stated claim 8 is objected to when it is believed claim 9 is the objected to claim.

2. Claims 8 and 9 were rejected under the provisions of 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. This rejection is respectfully traversed.

Claim 8 has been canceled and the dependency of claim 9 has been amended in response to the telephone message received from the Examiner on November 23, 2004 during the undersigned attorney's absence and now directly in response to the Office Action that the application was allowable except for the need to cancel claim 8. Claim 8 contained redundant limitations to those in claim 1 directed to the percent by weight of the high melting temperature fine metallic, intermetallic or ceramic particulate. The dependency of claim 9 has been amended to no longer depend from now canceled claim 8. Applicants respectfully submit the amendment to Claim 9 to correct the dependency and the cancellation of claim 8 place the original claims in condition for allowance.

Accordingly, it is submitted that claim 9 is now in condition for allowance and reconsideration and withdrawal of the rejection are respectfully requested.

3. New independent claim 36 is presented reciting a weight percent range of greater than about 5 percent and less than about 9 percent of the high melting temperature fine metallic, intermetallic or ceramic particulate based on support found on page 14 of the specification as filed. The steel alloy is also recited as being spherical based on support found on page 13 of the application as filed. New dependent claim 37-51 are presented corresponding to the limitations

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presented in claims 2-4, 6-7, 9-15, 32 and 34-35. It is submitted that no new matter is presented by these claims and that claims 36-51 are in condition for allowance. Early indication of allowance is respectfully requested.

4. In summary claims 1-7, 9-15, 32, 34-35, and 36-51 remain in the application. Claim 8 has been canceled and the dependency of claim 9 has been amended. New claims 36-51 are presented.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the Applicant's attorney collect at Valencia, California, if in the Examiner's judgment disposition of this application could be expedited or if the application is considered not ready for examination or final disposition by other than allowance.

Respectfully submitted,  
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Dated: December 3, 2004

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